

DEDHAM BOARD OF HEALTH
MINUTES
JULY 27, 2016

IN ATTENDANCE:

LEANNE JASSET, B.S.P. RPH, CHAIRPERSON
JASON BROGAN, MSM, VICE CHAIR
DR. SARA ROSENBERG-SCOTT, MEMBER
JOAN CONWAY, ADMINISTRATIVE ASSISTANT

Leanne called the meeting to order at 6:38 p.m. the first order of business is minutes of June 29, 2016. Dr. .Scott made a motion to accept the minutes of that meeting Leanne seconded and asked all in favor aye opposed none. Jason got to the meeting late. Minutes accepted. Leanne asked if there was anyone present for open comments. There were none. Family Dollar is first on the agenda but are not here yet let's start with 697 Washington Street a request for a variance town regulations require that if you are within 300 feet of town sewer and currently have a septic system or cesspool and it fails you need to connect to town sewer. 697 Washington Street has a failed system and they would like to put in a septic system due to the cost to connect to town sewer. So the packet that was sent/dropped off is from Molly Moran and Associates regarding the request. Leanne asked if this property lies within the 300 feet of town sewer Cathy said it is probably 100 ft. to the town sewerage it is very close. There is currently a cesspool.

Molly Moran - Overview

Ms. Moran introduced her son Joe B. he and his wife bought this property in December. They were able to purchase it under a special 203K financing which allowed them to purchase it without a title v with the understanding they would probably connect to town sewer or upgrade the septic. Before they purchased it they got 2 prices on connecting to town sewerage. There is currently is a cesspool which is working and has not been tested for title V but we are assuming it won't pass it is functioning now. We approached the neighbors trying to get an easement to connect to the sewer system which is at the top of Sylvia Lane. One neighbor proved not to be possible because of Town Regulations and access and trees. The other neighbor could have been a possibility but were told by their attorney not to do it as it was not to their benefit to do it. We then investigated two options you have the small drawing for each. The first option that we thought would be less expensive was to go down Washington Street along the sidewalk and connect to the sewer at the base of Sylvia Lane. That proved to be extremely expensive because the town wanted two man-wholes and replacing side walk and the neighbors fences were in the right of way. The second option was to go across Washington Street and you have a full design for that as well which is approved by the state. We went through 5 contractors nobody wanted to touch it. We finally got these two prices. There are several things working against us; one is because it is a state highway we could only work from 9-3 each day and secondly the state was refusing to allow us to plate over the due to the gas line. So within 9-3 we had to remove the asphalt do as much work as possible and allow enough time to re-pave the street by 3 p.m. We are also aware that there is ledge in the street. The other variable was to start work and find something as an obstacle which would require redesign and completely stopping work which most contractors were not interested in. The other thing you will see is that the town requested that we do preliminary sub-surface testing either in the form of doing 4-5 test pits across the street or Joe got a price to do sub-surfacing and that added another

\$21,000.00 to the cost of the work. We also would be dealing with police details and the issue that we are sure we will hit ledge because they hit ledge when they connected the sub-division just up the street. So we ended up between \$93,209.00 and \$108,064.00 without the issue of hitting ledge, without the cost of re-designing if we hit ledge, we have been told that there are old utilities in the way as well. We got two estimates for septic and I actually did this on my own property. Septic will be between \$25 and \$40,000.00 we have not had it designed because we have spent thousands of dollars already just getting the sewer designs. So basically we are comparing approximately \$25-\$40 for the septic to \$93-\$108,000.00 without having to do any removal of ledge, relocating utilities and engineering costs for redesigns. Those numbers are low. We are asking to instead put in a state of the art septic system because this seems like an extreme hardship for a single family house.

Cathy asked why the house was sold without a title V. Molly replied under 203K they didn't have to have a title V it came with renovation funds to fix the issue, to connect to the sewer or install a septic system we have money sitting there to take care of it. The money came with the mortgage. Cathy said the bigger downfall is if it had passed title V you would not be in this position. Mollie said she doesn't think the cesspool will pass title V. Cathy asked why many pass all the time. Joe said they are expanding the size of the house from a 3 bedroom to a 5 bedroom 1 ½ bath to 3 ½ bathrooms. Dr. Scott said she is confused by the numbers you are quoting because the numbers presented here are not the ones you are quoting. Walk us through this paperwork please. You have two prices one from Hayes and one from Musto which is 59,000.00 58,940 is from Hayes. We have the permit fee from Jason Mammone, at the DPW which is 22.30 we have the sub-surface utility investigation which is page 3 or 4 Souse is installing sewer services then page 412 of BMI that is a 20,8050.00 Dr. Scott asked if these are individual bids for each part of the process to which Ms. Moran said yes. You have the basic contractor cost which are the connecting/installing the connection to the town sewer, you have the permit fee the sub-surface investigation cost which the town has asked for which is the \$20,850.00 which is in the BMI estimate which is trying to locate existing utilities and ledge. Dr. Scott said the reason she is confused is that when you actually look at these the one from Souse which talks about grading, paving trench and roadway replacing curb and patch sidewalk and then the PJ Hayes one permanent asphalt patch with road way are those not the same thing? Molly said yes they are expect that Hayes included the cold playing and the overlay paving which would happen in so many months. Dr. Scott said we are not adding Souse and Hayes to which Ms. Moran said no. Dr. Scott said she wanted to make sure the costs were not inflated because she is having a hard time adding this up to get to the \$108,000.00. Ms. Moran said just goes down the two column and these are comparable. Leanne said Hayes would be the \$93, where Musto would be the other it is either or De Filippo is separate there is a high and a low just for the septic. It gives you a range. Dr. Scott asked one of them to show us on the drawing exactly what we are looking at. Bob showed the different options to connect to the sewerage. Some of the fences are on state property and there are two manholes to be added. He said it would be a single family house with accessory dwelling in it. It is still called a single family. He explained accessory dwelling is a rental but considered a single family home. If we went to sell it we would have to sell it as a single family house. There can only be two people in the accessory dwelling. What is the current system at the house now? Bob said it is a cesspool Leanne asked. Cathy said she was confused because you usually have to have a title v when you buy a house like this. Ms. Moran said there was \$40,000 to connect to town sewerage. Which is what the bank approved which seemed reasonable. Leanne asked if he was living there now he said yes. Cathy explained that the cesspool is functioning but they were going to increase the size of the home so to increase the home they would need a larger septic which we would not approve they would have to connect to town sewer. Leanne asked if the initial estimates were lower. Bob said yes but they increased because they didn't know the time schedule that the state has and work 9-3 and back fill a lot thought they could just trench across the street and put plates over which the state will not allow. The program won't fund any higher Cathy asked? Bob said they would have to re-finance at this point. It is

half the cost of the whole house. Dr. Scott thanked them for explaining the drawings and said this is an awful situation. We have not and have been asked previously to provide a variance for financial hardship for things like ledge; elderly living in a house without the funds to do it this board has never given a variance for financial hardship alone. Seeing how close you are to the sewer system and the goal of the town is to have everyone onto public sewer whenever you can as opposed to a septic system it is a much higher public health risk when you have individual septic systems. There is always a reason ledge etc. Each case has its issue and you are much closer to the town sewerage than others. We look at the public health issue the less waste we have going into our ground the better. Leanne said she sees that you have had two estimates that are both local have you had experience with other businesses that have dealt with similar ledge state highway. Ms. Moran said yes they have and the biggest hardship is the restricted time you can work on the state property 9-3 each day with an hour at the beginning and end of each day opening, closing and repaving. If you hit ledge in between all that and the engineers have to close it up and return a week or two after the engineers redesign it is more thousands of dollars redesigning. No one wanted to deal with it. Dr. Scott asked about going back to the state and asking about having plates instead of closing up the road. Ms. Moran said no they did try that. We are working with site design and have gone back to the state several times and asked if we could plate the answer was no. Also we would need police details. Dr. Scott said the worst part of this is that your initial estimates which you got funding from the bank for were so inaccurate. The reality is your buying a house on a state highway that you know is going to have to be connected to sewer. Other than it being financially more that your initial estimates you knew that about the property and you're expanding it. Ms. Moran said that we are aware of the problems that the sub-division had connecting to town sewer after speaking to Jason Mammone and that was 3 houses. Dr. Scott said my position and this is the worst part of the job is that we have not granted variances along this line and I don't think that is the business that the board should be in it should be about the public health issues and not about the finances and it is difficult to say this but my opinion is not going to change. I don't know if it behooves you to look into septic systems and give us estimates for them because ultimately that is not what we are going to approve that is just wasted money on your end. Ms. Moran said it is an existing septic. Dr. Scott said it is a cesspool that we don't think will pass title v and you would have to pass title v to expand so your other option is to no expand live as you are and cross this bridge when you go to sell the property. This is a highly populated area with sewerage close by you should have had a title v done when you purchased the property. You knew that it likely would not pass and you took that risk. You have an option to not expand the property and have a title v done. That is what is driving this. The biggest improvement to the property would be to connect to town sewer. Dr. Scott said she does not feel strongly in this situation the option is if you are going to expand you will need to connect to town sewer. Leanne said we are trying to make the town healthier by having everyone in complaints' with the regulations I understand it will be a benefit to the neighborhood but is there anyone in the town municipal side of it who is willing to work with financing or not having to provide some surveying and testing. Ms. Moran said no she has talked to Jason and that was an additional cost to try to connect to Sylvia Lane the camera whatever they were going to do we would have to hire someone, and outside agency to camera the lines. It was much more feasible to connect to the top of Sylvia Lane but no one was willing to do it. We volunteered if we could connect to Sylvia Lane, which is a private road; to patch the road way and to fund all of the legal work to make the sewer on Sylvia Lane part of the town system and that was turned down by the neighbors. Leanne said she would reach out to Jason Mammone to get some more information. If you would like to pull your request until the full board is present at our next meeting that is your decision. I am not prepared to vote now for my own information to get a little more information from Jason that is what I plan to do. Dr. Scott said this can be deferred I just want to protect your best interest of not dragging this out if it's not going to change because there is nothing worse in real estate than waiting another month to find out your still not approved. Our next meeting

will be in September we take August off. Leanne said we could take a vote now but I would be more comfortable speaking to Jason and getting a little more background information. Ms. Moran asked that the board get a little more information about getting across that street and the density of utilities that go down the street, concrete bunkers etc. Dr. Scott asked if the other houses are connected. Ms. Moran said the one behind is a septic the one to the left is a 3 unit subdivision which had huge problem trying to get across. Dr. Scott said she is making a motion to defer the discussion for a variance for 695 Washington Street to our next meeting so that the board can obtain more information from the town engineer about this issue and we will discuss it at our next meeting. Leanne seconded the motion. All in favor aye opposed none. We will keep you updated.

Family Dollar

Cathy said a compliance check had been performed in May and Family Dollar sold tobacco to a minor. We required them to attend a training which the store manager attended part of and the district manager was to come to show us how they do compliance training for tobacco sales; that did not happen. I went and spoke to the store manager and then called the district manager. Jesse Boulos, Area Operations Manager was asked to appear tonight with the store manager and the training material for the sale of tobacco, and sent them a notice.

Jesse Boulos the area manager said they have just realigned the markets so I have picked up 5 other Boston stores. The prior district manager was moved to the Brockton area down to Fall River so this all happened in the middle of attending the training here. I am here now and Have Shaw with me now he is the store manager for the last 2 years and has been doing a phenomenal job with everything relating to customer service to store condition to stock in store and helping the neighbors. The store has moved in the right direction since he has been there. Cathy said he has done a great job. Leanne said the reason we had the training was to put in abeyance, the suspension of your license if everyone complied with what we had ordered. It was very disappointing to us the board went out on a limb to say yes you qualified to have your license suspended but so in order to give you an opportunity to re-train you come to this training and we will consider not suspending your license if you show good faith and it didn't happen from Family Dollar so it was extremely concerning and disappointing to the board. Mr. Boulos asked for another chance I will not let you down. Leanne said that we have heard nothing but good things about Shaw however our history with Family Dollar has not been good there have been many issues so this was one more opportunity to say what is happening with this company. Dr. Scott said one of the reasons we asked for you to come with the other companies' that failed the compliance check you are the only one had a corporate structure. We felt that because Shaw has done such a good job we felt we wanted to raise the buck higher up and go to where the problem was, and now you are new in this position and can take that under advisement and see if that impacts what you want to do about this. We are doing this because we know Shaw is committed to the community and give him as much as a benefit of a doubt as we can. Can you now tell us about the training manual for your company what the changes have been so that an infraction like this does not happen again? The training manuals were presented and it was explained that every employee in Massachusetts is trained it takes about 45 minutes to complete and it is renewed every year and refreshed on a yearly basis. Leanne said before an employee can start they employee must complete this training online and pass the exam. We also have the posters and are checking everyone's identification. Anthony the assistant manager working with Shaw said he runs the daily operations when he is not around I have not only talked to individual employees in our store and have placed a sign clearly on the cash register that i.d. must be checked even our regular customers are carded. Cathy asked if Family Dollar has ever considered the swipe system. If you are selling tobacco they cannot complete the transaction unless they ask for an I.D. Cathy

said the swipe system makes you slid the card through or punch in the license or the date. Cathy felt some people can over-ride that by putting in the wrong date. If you have the i.d. and the license and swipe it there are no mistakes. This can be done for alcohol and tobacco. Shaw said in the two years that I have been there this was an isolated incident. Cathy said the license was a vertical one and it said not 21 until... these are red flags that your employee should have caught, you must train them about this. Leanne asked Shaw why he was late for the training he said it was because it was Ramadan a holy day of fasting in his religion. Dr. Scott said you should have called and informed us ahead of time. Thank you for explaining that we thought you were just disregarding us. Dr. Scott said if this happens again there will be zero tolerance. There will be a six month suspension of your tobacco license. We appreciate you all coming in and appreciate the circumstances around it and are confident you are putting measures in place that will prevent this from happening again. Thank you for coming in.

Cathy said we had a camp operate in Dedham without a license. The Red Sox camp at the Rashi School. This camp is out of Washington D.C. I had a big issue with them last year and I fully warned them that they would not be getting a license this year unless they were 100% compliant. I had a very long conversation with the woman in Washington about cori and sori checks telling her that whoever is doing these check is responsible for the paperwork not to leave their hands. That person must meet with me and I review them. So last year when we went to do the camp we found out they were not on the premises and no one at the Camp knew if they were done. This year I told her that she had to come into the office with them she said she would mail them and I explained she could not do that according to the regulations and had to come in with them. She got very angry with me and said what are you going to do if I don't? I said I would close them down. She asked how I was I going to do that. I said I was ending the conversation now and if you want a camp license you need to follow the rules. I was on vacation and Jessica came across it Friday morning they happened to be at Fenway at the time. They were at the Rashi for one week. I have asked permission from the town manager to contact legal counsel to send a cease and desist order to them and inform the Rashi School that they are not to allow them to lease the property again until they are licensed. There are no gray areas with this and they had a warning from last year. Legal counsel will draft the letter so nothing is missing.

Cathy said that at 3:30 today I received a call from Dedham/Westwood water informing me there is no water at East Dedham Plaza so all facilities have been closed until further notice. There is a water line break under the building.

Dr. Scott made a motion to adjourn the meeting Jason Brogan seconded Leanne asked all in favor aye opposed none. Meeting adjourned a 7:48 p.m.

Leanne Jasset, Chairperson